

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| MCCOY, | : | Hon. Faith S. Hochberg |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | Civ No. 03-1801 (FSH) |
| | : | |
| | : | <u>ORDER</u> |
| | : | |
| HEALTH NET, INC., <u>et al.</u> , | : | Date: May 30, 2013 |
| | : | |
| Defendants. | : | |

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|-----------------------------------|---|-----------------------|
| WACHTEL, et al., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | Civ No. 01-4183 (FSH) |
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| | : | |
| HEALTH NET, INC., <u>et al.</u> , | : | |
| | : | |
| Defendants. | : | |

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|-----------------------------------|---|-----------------------|
| SCHARFMAN, et al., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | Civ No. 05-0301 (FSH) |
| | : | |
| | : | |
| | : | |
| HEALTH NET, INC., <u>et al.</u> , | : | |
| | : | |
| Defendants. | : | |

HOCHBERG, District Judge:

This matter having come before the Court upon the Motion to Approve the Amendment
to the Settlement, and

this Court having held a hearing on May 29, 2013, and for the reasons stated on the record,

IT IS on this 30th day of May, 2013,

ORDERED that the parties are to show cause in writing by June 5th, 2013, why this case should not be sent to a special master pursuant to Federal Rule of Civil Procedure 53(a)(1)(C) for: (1) a factual inquiry into the reasons for the length of time that elapsed between the Final Order and Opinion approving the Settlement in 2008 and the submission of the Motion to Amend the Settlement in 2012, including the reasons for the disputes, the merits of the disputes, and whether they could have been resolved in a more expeditious manner; (2) a factual inquiry into why no partial distributions were made from the Settlement Fund until after the hearing on May 29, 2013; (3) a factual inquiry into Health Net's rejections of claims against the Prove-Up Fund, including a statistical sampling of the rejections, to determine whether they were legitimate and made in good faith; (4) a recommendation as to whether Class Counsel should be replaced or ordered to repay any or all of the counsel fees it received based on the amount of the original Settlement and any diminution to date; (5) a recommendation as to whether sanctions should issue or any other disciplinary actions taken against either side, either HealthNet or Class Counsel, on any grounds within the authority of this Court. Parties may submit individual briefs not to exceed five pages, or a single joint submission not to exceed ten pages. The Court will entertain a recommendation from parties as to who should be appointed as a special master.

/s/ Faith S. Hochberg
United States District Judge